

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE:

Reburn Lelton Miller

Cynthia Jan Miller

SS#: : XXX-XX-4343 XXX-XX-1735

DEBTORS

CASE NO. 12-80289-JAC-13

CHAPTER 13

TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN

COMES NOW, Philip A. Geddes, the Chapter 13 Trustee in the above styled case, and moves this Court to modify Debtors' plan confirmed April 17, 2012; and as grounds therefore, the Trustee would show unto the Court as follows:

1. The Debtors' Chapter 13 plan presently calls for payments of \$568.00 monthly to the Chapter 13 Trustee.
2. The claims that have been filed are in excess of the amounts proposed to be paid in the plan. Thus, the present amount being paid is inadequate to pay those claims as filed.
3. In order for the plan to complete as confirmed, the Trustee proposes to increase the Chapter 13 Plan payments to the amount of \$825.00 monthly beginning in July 2012 for the remaining 31 months of the plan.

WHEREFORE, the Trustee moves for an order modifying the plan pursuant to 11 U.S.C. § 1329 and Rule 3015(g) to increase the Chapter 13 Plan payments to the amount of \$825.00 monthly, beginning July 01, 2012 for the remaining 31 months of the plan to cure the default. Other provisions: All other provisions to remain the same.

RESPECTFULLY SUBMITTED, this the 20th day of June, 2012.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U. S. BANKRUPTCY COURT AND A COPY SERVED ON THE CHAPTER 13 STANDING TRUSTEE WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE HEREOF. ANY OBJECTIONS FILED WILL BE HEARD BY THE COURT ON THE **23RD DAY OF JULY, 2012, AT 9:00 A.M. IN THE BANKRUPTCY COURTROOM, FEDERAL BUILDING, CAIN ST ENTRANCE, 3rd FLOOR, DECATUR AL 35601**. THIS MOTION WILL BE GRANTED UNLESS AN OBJECTION IS FILED WITHIN TWENTY-ONE (21) DAYS.

/s/ Philip A. Geddes

PHILIP A. GEDDES, TRUSTEE

P.O. BOX 2388

DECATUR, AL 35602-2388

(256)350-0442

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the above Motion upon the Attorney for the Debtors and the Debtors , by mailing a copy of the same with adequate postage thereon or by electronic means when available:

Reburn Lelton Miller
Cynthia Jan Miller
1510 Welcome Road
Cullman, AL 35058

MARK E JOHNSON
ATTORNEY AT LAW
123 NORTH MAIN ST
ARAB, AL 35016

This the 20th day of June, 2012.

/s/ Philip A. Geddes

Philip A. Geddes, Trustee